

Serial No. 10/648,805

Attorney Docket No. 14-018

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving initialed copies of the forms PTO-1449 that were filed on 27 August 2003 and 15 February 2005.

Claims 1-32 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-32 were rejected under 35 USC 102(b) as being anticipated by Kajiwara. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Kajiwara discloses a device that maintains vehicle speed when the accelerator pedal or the brake is not operated. Therefore, the vehicle speed is simply maintained at the speed at which the driver stopped pressing the brake pedal or the accelerator. Thus, the vehicle can be moving at a rapid speed such as a highway speed when this occurs. Thus, Kajiwara essentially discloses a cruise control device. The speed maintained during the control period will vary, since the speed maintained depends on the speed of the vehicle when the driver stops pressing a pedal. In other words, the target speed is arbitrary.

It is a primary object of the Kajiwara invention to permit the driver to arbitrarily set the cruising speed. See column 1, lines 21-24 and column 2, lines 65 through column 3, line 2. The

Serial No. 10/648,805

Attorney Docket No. 14-018

present invention has no such goal and is thus fundamentally different from the Kajiwara device. More particularly, the device of Kajiwara is significantly different from the device of claim 1, because the target speed is not a value within a fixed range, as claimed. In Kajiwara, the target speed is arbitrary and is determined by the speed of the vehicle when the driver chooses not to press a pedal. Therefore, the device of Kajiwara fails to satisfy the terms of claim 1.

Also, claim 1 calls for a target speed that is substantially equivalent to a creep speed. That is, the vehicle is merely creeping along during the control period of claim 1, and the target speed must be a creep speed. In the device of Kajiwara, the target speed is not necessarily a creep speed, and therefore Kajiwara does not satisfy the requirements of claim 1. See for example column 2, line 65 through column 3, line 2.

As for claim 2, the device of Kajiwara is significantly different from the claimed device, because the driver determines the speed that is maintained. That is, in Kajiwara, the driver determines the target speed by choosing not to depress any pedal at a particular speed. However, in the device of claim 2, the driver has no role in determining the target speed. Claim 2 requires that the target creep vehicle speed is set by a target creep vehicle speed setting unit.

Also, claim 2 differs from the device of Kajiwara because the first and second target speeds in claim 2 must be substantially equivalent to a creep speed. In Kajiwara, as mentioned above, the target speed is arbitrary and is not necessarily a creep speed.

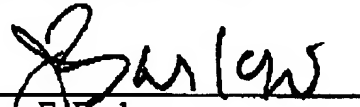
Serial No. 10/648,805

Attorney Docket No. 14-018

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400